

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL NO. 1456
Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO ALL
ACTIONS

Hon. Patti B. Saris

**CLASS COUNSELS' MOTION FOR APPROVAL OF
ADDITIONAL INCENTIVE AWARDS**

Class Counsel seeks the Court's approval to pay incentive awards to three additional Track 2 Consumer Representatives, Mariella Leday, Thomas Trusky and Agnes Swayze. Their names were inadvertently left off the prior Final Approval Order submitted by lead counsel to this Court in November. Class Counsel proposes to pay these incentive awards from the attorneys' fees the Court has previously awarded to Class Counsel, as opposed to taking additional funds from the consumer settlement fund.

This Court previously approved Leday, Trusky and Swayze as Class Representatives in its Order of August 30, 2011 (Docket No. 7775). However, class counsel accidentally failed to include them on the list of Class Representatives who were seeking awards when a revised Final Approval Order for the Track II settlement was submitted to the Court on December 2, 2011 (Docket No. 7963), *See* paragraph #19, pp 13-14. Thus the Final Approval Order signed by the Court on December 8, 2011 (Docket No. 7979) does not include these three Plaintiffs.

Attached as Exhibit A, B and C to the Declaration of John Macoretta are Affidavits from Swayze, Leday and Trusky, indicating the amount of time they spent in

5/13/2012
Patti B. Saris
cc: [illegible]